

EXHIBIT 1

1 THE UNITED STATES DISTRICT COURT
2 THE DISTRICT OF COLUMBIA
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<p>1 Tell the court, please, as a member of the 2 negotiating team, which entities, both governments but 3 also organizations, were involved in those 4 negotiations, as best you recall?</p> <p>5 A. On the Palestinian side?</p> <p>6 Q. Yes, plus others.</p> <p>7 A. On the Palestinian side it was the 8 negotiators negotiating on behalf of the PLO. On the 9 other side it was the negotiating team on behalf of the 10 government of Israel. That's for the bilateral 11 negotiations.</p> <p>12 And for the multilaterals, that was scores 13 of countries deliberating about the multilateral 14 arrangements and several topics. There were scores of 15 countries, around 40 countries negotiating -- not 16 negotiating, discussing the multilateral arrangements, 17 the regional arrangements for the success of the peace 18 process, which included Israel, the Palestine 19 Liberation Organization, and many countries of the 20 world.</p> <p>21 Q. Thank you.</p> <p>22 Did you, Dr. Abu-Libdeh, actually represent 23 then the Palestine Liberation Organization in those 24 negotiations as one of the people on the negotiating 25 team?</p>	<p>1 MR. HEIDEMAN: Thank you very much. 2 BY MR. HEIDEMAN: 3 Q. Dr. Abu-Libdeh, in relation to the 4 negotiations on behalf of the Palestinian side, you 5 just testified that the Palestinian organization which 6 was the negotiator, if I understand you correctly, and 7 which history, of course, is something we all know, was 8 the Palestine Liberation Organization; is that correct? 9 A. Correct. 10 Q. I understand you have not been designated to 11 testify here today on behalf of the Palestine 12 Liberation Organization, but rather on behalf of the 13 Palestinian National Authority, and accordingly, I 14 don't want to, shall we say, violate the rules. So if 15 I ask too many questions about the Palestine Liberation 16 Organization's role in building up to the establishment 17 of the Palestinian National Authority, please 18 understand, my purpose is so that the record is 19 accurate and history is recited correctly into this 20 record. Do you understand, sir? 21 A. I do. 22 Q. Thank you. 23 In that context and without belaboring the 24 point, tell the court, please, generally, the history 25 as you understand it of the establishment of the</p>
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<p>1 A. I was one of the people chosen to be part of 2 the delegation to the negotiations, and that delegation 3 was chosen by the PLO.</p> <p>4 Q. Who headed that delegation?</p> <p>5 A. The bilaterals, the late Dr. Haidar 6 Abdel-Shafi. The multilaterals, there was no 7 Palestinian chair. It was chaired by several donor 8 countries.</p> <p>9 MR. HEIDEMAN: Madam Court Reporter, did you 10 need him to repeat the name of the deceased person who 11 headed negotiating team?</p> <p>12 THE REPORTER: No, thank you, I don't.</p> <p>13 MR. HEIDEMAN: For the information of the 14 translator, during the recess, just before we came back 15 into the room, counsel for the defendant indicated that 16 Dr. Abu-Libdeh was agreeable, in order not to lose the 17 important time we have today, to testifying in English, 18 with the understanding that anything that needs Arabic 19 translation will be translated.</p> <p>20 So we're proceeding accordingly, which 21 means, Mr. Translator, Daniel, please listen carefully 22 and be prepared to assist Dr. Abu-Libdeh in any manner 23 in which he, as the witness, desires. Do you 24 understand?</p> <p>25 INTERPRETER MEISER: Yes.</p>	<p>1 Palestine Liberation Organization, and how it, as you 2 observed it, came to be the negotiator in the 3 establishment of the Palestinian National Authority. 4 Do you understand my question? 5 A. The Palestine Liberation -- 6 MR. O'TOOLE: Just to put it on the record 7 to be clear, as counsel indicated, that Dr. Abu-Libdeh 8 is speaking on behalf of the Palestinian Authority in 9 this question, and not on behalf of the PLO. 10 MR. HEIDEMAN: Yes, and the context of my 11 question is in building up to the establishment and 12 creation of the Palestinian National Authority. 13 MR. O'TOOLE: Understood. 14 MR. HEIDEMAN: Thank you. 15 BY MR. HEIDEMAN: 16 Q. Do you need me to repeat the question, 17 Dr. Abu-Libdeh? 18 A. No. 19 Q. Thank you, sir. 20 A. The Palestinian Liberation Organization was 21 created by the Arab League in 1964 to represent the 22 Palestinian people, and the Arab League, in 1974, voted 23 unanimously that the PLO is the sole legitimate 24 representative of the Palestinian people. 25 In view of this voting, the Palestine</p>

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<p>1 When you served in the 1991 to 1993 2 negotiations as part of the first team, did you do so 3 as an employee of the technical and advisory 4 committees, or did you do so in the name of the 5 Palestine Liberation Organization?</p> <p>6 A. I was running the technical and advisory 7 committees, and during that time I was chosen by the 8 PLO to be a member of the negotiating team.</p> <p>9 Q. And were you compensated by the Palestine 10 Liberation Organization or by the technical and 11 advisory committees for your work during that time?</p> <p>12 A. I was compensated by neither. I was 13 seconded by Bir Zeit University, and Bir Zeit 14 University continued to pay my salary.</p> <p>15 Q. Now, after the September 13, 1993, signing, 16 you indicated that you became employed by the 17 Palestinian National Authority; is that correct?</p> <p>18 A. Yes. As a founder.</p> <p>19 Q. As a founder of what, sir?</p> <p>20 A. Of the institutional infrastructure of the 21 Palestinian National Authority.</p> <p>22 Q. Please tell the court whether or not, prior 23 to September 13, 1993, the Palestinian National 24 Authority existed as an entity or an organization?</p> <p>25 A. It did not exist.</p>	<p>1 the designated representative of the Palestinian 2 National Authority.</p> <p>3 A. The --</p> <p>4 MR. O'TOOLE: Objection as to the scope and 5 as to his competency. That's it.</p> <p>6 MR. HEIDEMAN: Thank you.</p> <p>7 Q. Yes, sir?</p> <p>8 A. The PNA is a legal structure which was born 9 as a result of the successful negotiating -- 10 negotiations between the PLO and Israel, and it is 11 governed by its Basic Law and the various subsidiary 12 sectoral laws and the binding principles of the 13 negotiated agreements. The reference for its work, its 14 functions, is the Oslo agreements and the various laws 15 that have been put together and approved by the 16 Palestine Legislative Council, which is how this -- 17 this entity works.</p> <p>18 Q. Thank you for that explanation. I'll ask 19 you more questions about this in a moment.</p> <p>20 To the extent that you know, can you please 21 tell the court whether or not the Palestine Liberation 22 Organization, which you already have testified is 23 recognized as the sole legitimate representative of the 24 Palestinian people, please tell the court if the PLO, 25 to the extent of your knowledge, is an organization, an</p>
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<p>1 Q. And what is it that occurred, sir, to cause 2 and permit the creation of the entity known as the 3 Palestinian National Authority?</p> <p>4 A. The successful negotiations between the 5 Palestine Liberation Organization and Israel led to the 6 signing of the Declaration of Principles, and then 7 later on to the signing of the Oslo Agreements, and 8 this is the basic regulatory foundation for the 9 Palestinian National Authority.</p> <p>10 Q. Was the Palestinian National Authority ever 11 incorporated as a legal entity, to the best of your 12 knowledge?</p> <p>13 A. It is a legal entity, and the source of the 14 legality is the agreement with Israel, Oslo-1, Oslo-2, 15 the Declaration of Principles, and all other 16 agreements. This is an entity which was established in 17 accordance with these agreements, and which is today 18 functioning in accordance with these agreements.</p> <p>19 Q. Thank you.</p> <p>20 Would you describe the legal entity of the 21 Palestinian National Authority as being an 22 organization, a nongovernmental organization, a 23 corporation, or what, if you know? And I understand 24 your expertise is not in legal matters, but I would 25 like to know what is your view, since you're here as</p>	<p>1 association, or a corporation, or some other legal 2 structure, to the extent you have knowledge?</p> <p>3 MR. O'TOOLE: Again, objection as to his 4 ability to talk about legal concepts, but he may answer 5 the question.</p> <p>6 A. As I said, I don't really know if an 7 organization fits -- yes, it's an organization. But 8 I'm not an expert in legal matters.</p> <p>9 Q. Thank you.</p> <p>10 Tell the court, if you would, in relation 11 to the interrelationship, in 1993 and subsequently, 12 between the PLO and the Palestinian National Authority, 13 and with that background, I will now ask a question: 14 Please, Dr. Abu-Libdeh, explain to the court the role 15 of the Palestine Liberation Organization in the 16 Palestinian National Authority, after the establishment 17 of the Palestinian National Authority on September 13, 18 1993?</p> <p>19 A. There is no direct role the PLO plays in the 20 functions of the PNA. The PNA is an organ created as a 21 result of the negotiations, bound by the agreements 22 with Israel, and the laws that have been established 23 since then, and is bound also by the political program 24 of the PLO, being the sole legitimate representative of 25 the Palestinian people entering into agreements with</p>

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<p>1 A. Yes, for the Central Committee.</p> <p>2 Q. And at the offices of the Central Committee</p> <p>3 of Fatah at its headquarters in Ramallah, did it have</p> <p>4 an office for Yasser Arafat as its chairman?</p> <p>5 A. In our system, in any headquarters, no rooms</p> <p>6 are locked for a specific person.</p> <p>7 Q. Even for the chairman?</p> <p>8 A. Even for the chairman.</p> <p>9 Q. Is that because of lack of space, or is that</p> <p>10 because of lack of budget, or is that because of, shall</p> <p>11 we say, custom?</p> <p>12 A. It is rather because of the Palestinian</p> <p>13 traditions.</p> <p>14 Q. Thank you.</p> <p>15 A. Can I give an example?</p> <p>16 Q. Yes, of course.</p> <p>17 A. For example, suppose today the Central</p> <p>18 Committee meets. If Abu Amar happens to be in Hebron,</p> <p>19 they meet in Hebron. If he happens to be in Nablus,</p> <p>20 they meet in Nablus. So it is not really a specific</p> <p>21 place where by law or obligation in that place and only</p> <p>22 that place they meet.</p> <p>23 Q. Thank you.</p> <p>24 So I understand from your testimony, and I</p> <p>25 wrote down the words that you used, please correct me</p>	<p>1 you could call the headquarters of the Fatah, aside</p> <p>2 from the headquarters of Fatah which houses the Central</p> <p>3 Committee, because Fatah was governed by a Central</p> <p>4 Committee, that Central Committee was headed by Yasser</p> <p>5 Arafat, so therefore the headquarters of Fatah was</p> <p>6 where the Central Committee was.</p> <p>7 Still, since we are under oath, there did,</p> <p>8 it's true, that many of the meetings chaired by Yasser</p> <p>9 Arafat were taking place in the muqata'a.</p> <p>10 Q. Did Chairman Arafat, for the time period</p> <p>11 2000 through his death in 2004, did he have meetings in</p> <p>12 the muqata'a of Fatah?</p> <p>13 A. In the headquarters of Fatah, yes.</p> <p>14 Q. In the muqata'a, Fatah, they had meetings of</p> <p>15 Fatah in the muqata'a?</p> <p>16 A. Yes.</p> <p>17 Q. During that same time period of 2000 through</p> <p>18 2004 -- and when I say in this deposition 2000, I'm</p> <p>19 talking about from January 1, 2000, okay?</p> <p>20 So from 2000 through 2004, did Yasser Arafat</p> <p>21 have meetings of the Palestine Liberation Organization</p> <p>22 in the muqata'a?</p> <p>23 A. Yes.</p> <p>24 Q. And did, from 2000 through 2004, Yasser</p> <p>25 Arafat have meetings in the muqata'a of the Palestinian</p>
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<p>1 if I'm wrong, when you have a strong guy, the</p> <p>2 headquarters are where the strong guy is; is that</p> <p>3 correct?</p> <p>4 A. Virtually, yes.</p> <p>5 Q. Thank you.</p> <p>6 And during the tenure of Yasser Arafat as</p> <p>7 the president of the Palestinian Authority, as the</p> <p>8 chairman of the Palestine Liberation Organization, and</p> <p>9 as the chairman of Fatah, would it be accurate to say</p> <p>10 that for the time period through 2004, when he passed,</p> <p>11 that the person who occupied each of those positions</p> <p>12 simultaneously was Yasser Arafat, and he was a strong</p> <p>13 guy?</p> <p>14 A. He was Yasser Arafat.</p> <p>15 Q. What do you mean by that answer?</p> <p>16 A. There was -- there was and there isn't a</p> <p>17 major -- where you can say today that he was a strong</p> <p>18 man. What do you mean by "strong man"?</p> <p>19 Q. I didn't use the word "strong man."</p> <p>20 A. Okay.</p> <p>21 Q. I used your words, "strong guy."</p> <p>22 So let me answer in typical, traditional way</p> <p>23 your question with a question: When you used the word</p> <p>24 "strong guy," what did you mean?</p> <p>25 A. I mean that there was no specific place that</p>	<p>1 National Authority?</p> <p>2 A. Meetings, yes. The meetings, no. Meaning,</p> <p>3 yes, he did have meetings in the muqata'a, and yes, he</p> <p>4 did have meetings outside the muqata'a.</p> <p>5 Q. Thank you.</p> <p>6 I've asked you about offices for the</p> <p>7 Palestinian National Authority. I've asked you about</p> <p>8 offices of Fatah.</p> <p>9 For the same time period, from 2000 through</p> <p>10 2004, please tell the court whether or not any separate</p> <p>11 offices were maintained -- and by "offices" I'm</p> <p>12 referring to physical headquarters -- for the Palestine</p> <p>13 Liberation Organization?</p> <p>14 A. Yes.</p> <p>15 Q. Did they have a separate office in Ramallah?</p> <p>16 A. They had two offices, one in Gaza and one in</p> <p>17 Ramallah.</p> <p>18 Q. And were they in separate buildings from the</p> <p>19 offices of Fatah?</p> <p>20 A. Yes.</p> <p>21 Q. Were they in separate buildings from the</p> <p>22 offices of the Palestinian National Authority?</p> <p>23 A. Yes.</p> <p>24 Q. Did Yasser Arafat, as the president of the</p> <p>25 PLO -- and by the way, was that his proper title for</p>

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<p>1 Q. Yes.</p> <p>2 A. The PLO Executive Committee, being the sole 3 -- or the Executive Committee of the PLO, the sole 4 legitimate representative of the Palestinian people, 5 who entered into interim contractual arrangements with 6 Israel, has founded the PA in accordance with the 7 agreements. And in this regard, the PLO has the full 8 authority to dismantle the PNA or to instruct the PNA 9 in terms of alignment with the political program, 10 objectives, and policies of the PLO, but no executive 11 authority of the PLO over the PNA.</p> <p>12 Q. Thank you.</p> <p>13 As the designated representative of the 14 Palestinian National Authority, please advise whether 15 or not the negotiations with the State of Israel are 16 handled by the Palestinian National Authority or the 17 Palestine Liberation Organization?</p> <p>18 A. Negotiations --</p> <p>19 MR. O'TOOLE: Objection as to the time 20 frame. I didn't hear a time frame on the question.</p> <p>21 A. Never mind. Negotiations --</p> <p>22 MR. HEIDEMAN: No, no, if there is an 23 objection -- thank you, if there is an objection and 24 the judge were to sustain the objection, your answer 25 would be stricken. So that's why I'm trying to both</p>	<p>1 Executive Committee of the PLO?</p> <p>2 Q. Yes.</p> <p>3 A. The PNA is accountable in the sense of being 4 committed and obliged to function in harmony and 5 agreement with the political framework or the political 6 platform of the PLO, and the strategic policies 7 viz-a-viz the Palestinian people at large.</p> <p>8 Q. Thank you.</p> <p>9 What was the function of the Palestinian 10 Authority at the time of its creation in 1993?</p> <p>11 A. The Palestinian Authority assumed the 12 responsibility and accepted responsibility in the 13 various spheres of life of the Palestinian people for 14 the interim period, which covered the social, cultural, 15 sports, economics, and other attributes of the 16 Palestinian society.</p> <p>17 Q. Did the function of the Palestinian 18 National Authority, as you just described it, change at 19 any time prior to March 24, 2002?</p> <p>20 A. The functions, again, are -- are explicitly 21 stated and listed in the Oslo Agreements, and in 22 accordance with the Basic Law, that is consistent also 23 with the Oslo Agreements.</p> <p>24 Q. You have referred in one of your recent 25 answers to the PNC, if I heard you right.</p>
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<p>1 respectfully but carefully listen to the objection, and 2 that's why I often rephrase to avoid it.</p> <p>3 A. Thank you.</p> <p>4 Q. Thank you.</p> <p>5 So can you please explain, for the time 6 period of 1999 through 2005, whether the Palestinian 7 National Authority was responsible for the negotiations 8 with the State of Israel, or whether those 9 responsibilities were in the authority of the Palestine 10 Liberation Organization?</p> <p>11 A. Please define the word "negotiations."</p> <p>12 Q. Communications and discussions about issues 13 relating to governance and other functions within the 14 area of the West Bank and Gaza.</p> <p>15 A. On issues relating to the exercise of the 16 functions and responsibilities of the PNA in accordance 17 with the Oslo Agreements, all communication with the 18 Israeli side is done by the PA. Other communications 19 relating to the final status and the fate of the 20 Palestinian Territory and the fate of the future 21 relations with Israel, that is the function of the PLO.</p> <p>22 Q. Thank you very much.</p> <p>23 Was the Palestinian National Authority ever 24 made accountable to the PLO Executive Committee?</p> <p>25 A. The PNA being made accountable to the</p>	<p>1 A. No.</p> <p>2 Q. Can you please explain what that is?</p> <p>3 A. I have not said the word "PNC" at all.</p> <p>4 Q. Okay, thank you.</p> <p>5 A. I said "PLC," maybe.</p> <p>6 Q. PLC?</p> <p>7 A. Probably, if I did say that, but PNC? Never 8 said it.</p> <p>9 Q. Are you familiar with an entity known as the 10 Palestine Media Center?</p> <p>11 A. Media center? Palestine Media Center?</p> <p>12 Could you tell it to me in Arabic?</p> <p>13 Can I see the document?</p> <p>14 Q. Yes, of course.</p> <p>15 A. Because there are so many centers with this name.</p> <p>17 MR. HEIDEMAN: Let me hand the witness what I think we'll use as Exhibit 19, in order to continue from day to day, if that's agreeable to counsel, instead of starting over.</p> <p>21 MR. O'TOOLE: That's agreeable, if that's how counsel wants to proceed.</p> <p>23 MR. HEIDEMAN: All right. Thank you.</p> <p>24 Let me hand the witness what will be marked as Exhibit 19.</p>

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<p>1 A. This is not a properly phrased question, 2 sir.</p> <p>3 Q. Please correct me. Thank you, sir.</p> <p>4 A. When you say that the PLO has seats 5 designated in the government, you seem to indicate that 6 the government is composed of seats, some of which are 7 PLO and some of which are not. And this is not the 8 case.</p> <p>9 The PLO, being the sole legitimate 10 representative of the Palestinian people, who is the 11 official counterpart to the Israeli side viz-a-viz all 12 the agreements, provides political support for the 13 entity, the interim entity called the Palestinian 14 National Authority. Those assuming the seats in the 15 cabinet, all were designated as a result of coalition 16 discussions among the PLO, but the PLO does not have 17 seats explicitly designated as seats of the PLO.</p> <p>18 Q. Thank you.</p> <p>19 In the time period 2000 through 2005, was 20 the PLO a coalition member of the government of the 21 Palestinian National Authority?</p> <p>22 A. No.</p> <p>23 Q. But was it pursuant to coalition agreements 24 that representatives from the PLO became members of the 25 government of the Palestinian National Authority?</p>	<p>1 For the time period 2000 through 2005, to 2 what extent did the Palestinian National Authority 3 coordinate its activities with the PLO in relation to 4 issues of civil administration, finance, foreign 5 affairs, and to the extent you can answer it, security?</p> <p>6 MR. O'TOOLE: Again, objection to the scope.</p> <p>7 Q. You may answer.</p> <p>8 A. The PLO has no business in dealing with the 9 day-to-day affairs of the Palestinian population of 10 West Bank and Gaza. The PLO represents the whole of 11 the Palestinian people everywhere.</p> <p>12 The civil affairs of the population of the 13 West Bank and Gaza is managed by the PA, on the basis 14 of the mandate given by the Oslo Agreements and the 15 program that the cabinet and the vote of confidence on 16 that basis. And this is also true for finance, with 17 one exception. In the finance matters, and in the 18 context of the reforms that were approved by the 19 Legislative Council in 2002, it was internationally 20 agreed that the single treasury account is established 21 and that the direct authority of the finance ministry, 22 where the budget is executed out of that ministry.</p> <p>23 The foreign affairs is not a portfolio which 24 is part of the mandate of the PA. The foreign affairs 25 is a function of the PLO. And the security, the</p>
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<p>1 A. Again, the PLO provides the political 2 coverage and the legal foundation for the existence of 3 the PA, being the party to the agreements with Israel. 4 Having entered into agreements with Israel, the 5 government of the Palestinian National Authority is 6 elected by the Legislative Council. Those nominated to 7 this government, many of them are nominated by their 8 political parties, who accept the proposed program of 9 this government.</p> <p>10 Q. Thank you.</p> <p>11 For the time period of 2000 to 2005, other 12 than the members of the Palestinian Legislative Council 13 being members of the Palestinian National Council, did 14 the Palestinian Authority have representational seats 15 within the activities or governing bodies of the 16 Palestine Liberation Organization?</p> <p>17 A. No.</p> <p>18 Q. Thank you.</p> <p>19 Would it be accurate to say, however, that 20 in 2002, as well as today, the Palestinian Authority 21 has 20 permanent seats out of 124 total seats within 22 the central council of the PLO?</p> <p>23 A. The PNA is not represented in the central 24 council of the PLO.</p> <p>25 Q. Thank you.</p>	<p>1 internal security is the under the direct mandate of 2 the PA.</p> <p>3 Q. Thank you.</p> <p>4 You referred to reforms in 2002. Was that 5 referred to as the "100-day plan for reforms"?</p> <p>6 A. I'm referring to a whole process of reforms, 7 including the 100-day plan.</p> <p>8 (Exhibit 27 marked.)</p> <p>9 MR. HEIDEMAN: Yes. Let me hand you what's 10 been marked as Exhibit 27, which bears Klieman 01246, 11 and while you're looking at that document, counsel has 12 a comment.</p> <p>13 MR. O'TOOLE: Can we take a short break? 14 Mr. Eustice needs to go to another appointment.</p> <p>15 We're working six and-a-half hours at this 16 point.</p> <p>17 (Mr. Eustice exited the proceedings.)</p> <p>18 (Recess taken from 5:06 to 5:16 p.m.)</p> <p>19 BY MR. HEIDEMAN:</p> <p>20 Q. I believe when we broke I was asking about 21 the 100-day plan for reforms.</p> <p>22 Can you tell the court, please, as to those 23 reforms adopted in 2002, did any of those reforms 24 relate to issues involving or arising out of the Second 25 Intifada?</p>